

REMARKS

Claims 1-10 are pending. Reconsideration is respectfully requested.

Claims 1-10 are rejected under 35 USC 112, first paragraph for lack of written description. Specifically, the Examiner states that (1) there is no support for making the derivatives claimed, and (2) the limitation of 400 torr He should be incorporated into Claim 6. This rejection is respectfully traversed.

As to the first basis, none of Claims 1-10 recite any derivatives. Any claims to derivatives were previously cancelled.

As to the second basis, Applicant submits that the rejection is in error for the reasons given in the prior responses and the appeal brief, which are herein incorporated by reference.

Claims 1-10 are rejected under 35 USC 102(b) or 103(a) over the Service article or the Nature article discussed therein. This rejection is respectfully traversed.

The Nature article is not a reference since it describes Applicant's work. A Katz declaration by Alex K. Zettl is submitted herewith to show that one of the coauthors was not a coinventor, and that additional coinventors were not coauthors. The declaration also rebuts the other grounds of rejection.

Service "New Fullerene Rounds Out the Family" supports Applicant's position that the isolated C36 was new and that Stankevich had not made and isolated the material as the Examiner states. While researchers had known that trace amounts of C36 were formed with C60, "researchers had never been able to isolate and examine it." "The Berkeley group's success is 'really heroic' says

James Heath, a chemist at UCLA, who was part of the team that originally discovered fullerenes in 1985."

Claims 1-5, 10 are rejected under 35 USC 102(b) or 103(a) over Stankevich. This rejection is respectfully traversed. Applicant submits that the rejection is in error for the reasons given in the prior responses and the appeal brief, which are herein incorporated by reference. Service completely rebuts the Examiner's position.

Accordingly it is submitted that all claims are in condition for allowance, which is earnestly solicited. If any impediment should remain which can be resolved by telephone please call Applicant's Attorney at (510) 486-4534.

Respectfully submitted,



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